



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

WE ARE TOO MUCH GOVERNED.

BY DAVID B. HILL, FORMERLY UNITED STATES SENATOR FOR NEW YORK.

I AM asked to express my views of the tendency—said to be increasing—on the part of the Legislatures of the various States of the Union in the direction of multiplying legislation.

That such tendency now exists in a large degree, even if not to a greater extent than ever before in our history, is evidenced by the fact that, as appears by the State Library Bulletin for January, 1900, published under the auspices of the University of the State of New York, there were enacted in the United States during the year 1899 by our State Legislatures the enormous number of 4,834 separate and distinct enactments known as “general laws;” while I find upon investigation that there were passed during the same period (including those passed by a few States which held their bi-ennial sessions in 1898) in addition thereto “local, special or private” laws to the number of 9,325, making a grand total of 14,159 laws enacted in the United States, exclusive of Congressional and Territorial legislation. They embrace almost every conceivable subject, from the commendable purpose of the protection of the life and liberty of the citizen to the unnecessary regulation of the wearing of hats at places of indoor amusement, and the ridiculous designation of a “State flower.”

It appears that New York has contributed its full quota to this mass of good, bad and indifferent legislation, having in 1899 added 741 laws to swell the grand total, which, however, was an improvement on the record of the preceding four years, wherein had been passed 3,516 laws, the year 1895 alone witnessing the enactment of 1,045 statutes, being the largest number ever enacted in any one year since the organization of the State Government.

The admonition of the Scriptures, “Of making many books

there is no end," may well be applied to the volumes of our session laws.

The contemplation of this astonishing activity in the making of laws naturally leads the thoughtful student of public affairs to inquire whether there is any real necessity for so much regulation of human conduct, and such constant interference with the business concerns of the people.

For every unnecessary statute which is enacted is an unreasonable imposition upon the citizen, who must not only examine it, but endeavor to understand its nature and effect, not merely for his own protection, but, if for no other purpose, for the very laudable desire of verifying that time-honored or moss-covered maxim of jurisprudence that "Every man is presumed to know the law," however unfounded and troublesome that presumption may oftentimes be.

It may well be questioned whether a State has the moral right to compel a citizen, in order to prevent his becoming, unwittingly or involuntarily, a civil or criminal wrong-doer, to annually undertake the laborious task of reading through huge volumes of session laws, at much expenditure of time and effort, that he may understand the laws of his own commonwealth and with reasonable certainty remain a law-abiding member of the community.

There seems to be a mania on the part of modern legislators to pass as many bills as possible during each session, probably indulging in the delusion that their zeal for their constituencies will be appreciated in proportion to the number of measures which they secure. There was never a greater mistake. I recall an instance several years ago where a member of Assembly, who, although representing a small county containing only about fifty thousand inhabitants, had secured the enactment of some nineteen local measures, at the close of the legislative session congratulated himself on his success, and unmindful of the dangers incurred by such undue zeal, stoutly predicted his sure return the next year by a grateful constituency, but who signally failed of re-election, owing to the complications occasioned by the very numerous measures which he had procured.

While the large number of laws which a representative secures may be an indication of great industry, it is not of itself any evidence of wisdom on his part any more than it is of the value and benefit to anybody of the measures themselves.

The Common Council of an interior city in New York once passed a resolution which after reciting the number of arrests that had been made by a certain policeman during the preceding year, which happened to be greater than those made by any other member of the force, formally thanked him for his services, as well as commended him as the "best" policeman, although there was no evidence of the outcome of such arrests, the necessity or propriety thereof, or any other circumstances attending them. The Council apparently labored under the erroneous impression that in a multitude of arrests there is safety, and that the number and not the quality or circumstances thereof should count or control in estimating the efficiency and value of a policeman.

The constituency of such a Council would doubtless appreciate the services of their legislative representative in proportion to the number of local bills which he might be instrumental in placing on the statute books.

It is to be regretted that there are not more legislators possessed of the courage sufficient to refuse requests for the introduction of measures of doubtful necessity; but the unvarnished truth is that too many members seem eager and anxious to introduce some measure—it matters little what it is—in order that it may not be said that they lack the requisite influence to procure the enactment of a single law during an entire session. We are sure, however, that the representative who cannot place a single statute to his credit will, on the other hand, have none to discredit him, and we are not so sure but what he confers upon his commonwealth a more lasting benefit than the officious law-maker who passes a dozen laws of doubtful expediency.

And while we may not agree with Montaigne, who once said, "I am further of opinion that it would be better for us to have no laws at all, than to have them in so prodigious numbers as we have," yet we must respect the sentiment which impelled so emphatic, even if so exaggerated, a protest against the prevailing disposition to multiply laws for the government of intelligent people.

Legislation breeds legislation. The more laws we have, the more we are apt to think we need. The first forty days of a legislative session ordinarily witness the accomplishment of little, because there is really little which needs to be done; and if the regular appropriation bills for the support of the Government were

ready for passage, the final adjournment might speedily follow without detriment to the State, even if not to its positive advantage. But usually the longer a Legislature continues in session imaginary needs for relief naturally arise or are created, one measure begets another, the introduction of bills becomes contagious and soon the flood gates of legislation are opened up, the legislative mills begin to grind, corporate and private greed becomes aroused and participates in the struggle for legislative favors—with the final result that hundreds of measures are ultimately passed, most of which were never contemplated at the outset, and two-thirds of which are either unnecessary, wholly or partially bad, or without substantial merit.

An idle man is bad enough, but an idle body of men is worse, and an idle Legislature, like an idle man, is usually mischievous, if not positively dangerous, and when the actual needs of a State in the direction of desirable legislation are comparatively few, the opportunities afforded in a long session for vicious, corrupt and improper legislation are much increased—and therein lies the danger to the State.

It may be safely asserted that it is not true that the interests of the people of the several States really require such a mass of legislation as is annually or bi-ennially foisted upon them by their respective Legislatures.

It may be asked, "What is a *Legislature* for, unless it be to *legislate*?" The answer is plain. A Legislature is given the power of legislation to subserve the best interests of the people—to meet their actual needs—to perform its proper functions as a part of the machinery of the State Government, but only whenever necessary. The legislative machinery, however, is not to be operated continuously. A legislative body is not to legislate simply for the mere sake of legislating. The power of legislation is not a mere toy to be constantly played with; but it is a high prerogative to be exercised only when occasion imperatively requires. A physician is licensed by the State to practice medicine, but unless necessity absolutely requires, it is not his province to dose his patients with medicines, although they may clamor for them. It is as much the duty of a conscientious lawyer to keep his client out of litigation as it is to protect him when he has unfortunately been drawn into it. Water is excellent to quench thirst, but too much of it impairs one's digestion. There can be too much even of a good thing.

The point to these homely illustrations is apparent. Legislation is being carried to excess in this country, and excesses in the body politic are equally as dangerous as excesses in anything else.

It is to be feared that the people are becoming accustomed to look to legislative bodies for relief from all of their grievances, real or imaginary, the most of which are remediless because they are largely incidental to a free government which was not intended by its founders to be paternal in its character.

It is a serious mistake to teach the doctrine that the State must support its citizens, must provide them with work, must regulate what they shall eat, drink and wear, and otherwise control their customs, recreations and privileges through and by means of the authority of legislative enactments.

Legislation needs to be restricted within reasonable bounds either by constitutional limitations or through the influence of an intelligent public sentiment which sometimes is more effectual than law. Otherwise it is apt to run wild—to overleap the bounds of prudence and safety—to oppress, injure and annoy the citizen. It is capable of being a mighty weapon for good or evil, for the protection or the destruction of the community. Its danger lies in its very power.

Its constant use leads to serious abuses. Unscrupulous partisanship seizes it to secure and maintain political ascendancy through unjust apportionment measures, unfair election laws, the arbitrary removal of political opponents by statute, providing long terms of office for partisan favorites, and amending municipal charters one way for political friends and another way for political opponents without regard to decency, consistency or right.

Partisanship in legislation seems to have run mad in Kentucky when that State tolerates an election system which centralizes and vests in the Governor (or in officials selected by him) the appointment of all the local election officials throughout that State, regardless of the democratic principle of home rule, and which permits a popular body like the Legislature to canvass the election returns and to reject at its virtual discretion the votes of any county in the State, and declare whichever candidate it pleases to be elected, with no power in the courts to review its proceedings, to correct its errors or to regulate its action in accordance with well-established legal principles.

That over-legislation constitutes a positive evil must be readily

admitted. If there were some excuse for such excessive activity, if the majority of the enactments while although not strictly necessary were at least inoffensive and non-meddlesome in their character, the mere quantity thereof might not be regarded as specially objectionable. But when it becomes apparent that legislators have acquired the pernicious habit of excessive activity, devising and enacting measures simply to occupy the time during which they are expected to be at their respective State capitols—resulting in an enormous number of measures of no substantial benefit to the community, many of them petty and ridiculous in their purposes, or dangerous in their invasion of the liberties of the people, or special, local and private in their nature, with few general laws of practical utility and widespread importance—then the conviction becomes irresistible that the wise and beneficent purposes of legislation as contemplated by the framers of our various constitutions have become largely perverted to the serious detriment of the State. We may well recall the solemn warning of Tacitus, “When the State is most corrupt, then the laws are most multiplied.”

The inordinate desire to legislate manifests itself not only in new and wholly experimental legislation, but in the constant amendment of old and existing statutes.

These unnecessary changes are apt to undermine our respect for law. A fickle man is always distrusted, and public confidence is soon destroyed in an unstable statute.

It is desirable, even if not essential, that laws should be permanent—fixed—certain; rather than transient—temporary—and constantly tampered with. Otherwise how are the people to become accustomed to them, how are they to understand and obey them? A State has no moral right to exact obedience to its legislative commands if they are as varying and numerous as the waves of the ocean.

It is not believed that the evil of undue legislation is one that is necessarily incidental to our political institutions, and therefore unavoidable. It may be largely, even if not entirely or effectually, corrected in many ways which can be suggested.

Of course, under our free institutions, where the people govern themselves through their chosen representatives, some discretion as to the number and nature of legislative enactments must be permitted to repose in our law-making bodies.

It would be unwise to attempt to unnecessarily, much less unreasonably, restrict them even if it were practicable. Their sovereignty must be recognized and respected, although the frequency of its abuse or misuse severely tests the general confidence in the perfection of this portion of our governmental system. But it is "The Only Way," because no better repository for the exercise of legislative power than a popular body chosen by and of the people has yet been devised, and with all its shortcomings it must be admitted that it has accomplished wonders for humanity, liberty and progress.

It should be observed in passing that the evils of questionable legislation are more to be apprehended from State Legislatures than from Congress, owing to the difference in the extent of their authority.

Intelligent readers do not need to be informed that Congress can only exercise such powers, legislative and otherwise, as are conferred upon it in the Federal Constitution, while the powers of State Legislatures are unlimited except wherein they are restrained in their own State Constitutions or are prohibited in the Constitution of the United States. This distinction is most important. When our States can legislate on any subject and in any direction except that from which they are expressly restrained and prohibited, the opportunities for experimental and visionary legislation are practically as extensive as the open sea.

But it is asked, What are the remedies suggested for these prevailing and unsatisfactory conditions?

Let me specify and to some extent amplify them.

(1.) The creation of an intelligent public sentiment, always a powerful factor in the determination of public questions, which shall insist that the volume of legislation shall be steadily reduced within reasonable limits. Let law-making bodies be given to understand that they incur the displeasure, instead of the gratitude, of the people for the meddlesome industry which characterizes the numerousness of the enactments inflicted upon the community. Of course, there will be opposition to such a sentiment: it is inevitable. Every corruptionist, every lobbyist, every public legislative printer, every "striker," every promoter or "hanger-on" around legislative halls, and every schemer whose "business" interests might be injuriously affected, will be united, as they always have been, in resisting any diminution in the extent of legislative

favours to which they have unfortunately been accustomed: but right-thinking people who have no special axes to grind and no selfish interests to promote, and are actuated solely by their concern for the general public welfare, will cordially welcome any concerted effort to secure reform in the direction indicated. It may reasonably be anticipated that the usual obstacles will be interposed, and that the same threadbare arguments will be presented which have always been put forth, to wit: that we are a growing country and that our new, increasing and varied business interests require much more legislative regulation and interposition than formerly. It is a plea easily made and as easily refuted. The existing statutes in nearly all the States are largely sufficient to meet the demands of all our genuine business interests; in fact, those interests would be better prospered by being let alone. Permanence is the desirable and essential feature in such matters. Nothing is so detrimental to every kind of legitimate business as uncertainty; and fluctuating laws are more demoralizing than fluctuating markets.

(2.) General laws should be enacted instead of special laws, wherever practicable. The evils which pertain to over-legislation may largely be attributed to special legislation, which constitutes the bulk of our undesirable enactments. It is in this field where favoritism is dispensed, where general laws are ignored or evaded, where corruption usually accomplishes its purposes, and where objectionable private schemes of every sort find their expression. Whatever questionable pension legislation has been enacted by Congress has been through special bills providing for some particular person to the exclusion of others equally or more deserving, while little criticism has ever been offered to general pension laws providing equally for all persons similarly situated. Uniform pension legislation should be the general rule, and while some exceptions must necessarily be tolerated, the general purpose should be to provide for all alike who are equally deserving, and their right to relief should be guaranteed under just and liberal general laws, and not be made to depend on their having the ear of their Congressman or upon the zeal or influence of some unscrupulous pension shark.

Special laws of the average kind are ordinarily a legislative nuisance, because they are usually without real merit, and unnecessarily and unreasonably occupy the valuable time of legis-

lators who should be engaged in studying and serving the general interests of the whole instead of the particular interests of a few.

For some years Congress was in the habit of passing special bills giving to various soldiers' monument associations, posts of the Grand Army of the Republic, and municipal corporations, some condemned cannon which the Army or Navy Departments did not need, and these bills became so numerous that they clogged the calendars of the two houses, and in the year 1896, after having passed some twenty-four of them that year and the calendars being full of others awaiting action, Congress finally tumbled to the idea that it might with propriety pass a general law authorizing the Secretaries of War and of the Navy to loan such cannon to such organizations under such rules and regulations as those officials might prescribe, and accordingly such a bill was passed and became a law on May 22, 1896, much to the personal comfort of individual Congressmen and to the relief of the session laws of the United States.

The Constitutional amendments which were adopted in 1874 in New York, and which were retained in the revised Constitution of 1894, accomplished much in the direction of home rule, whereby the Legislature was expressly forbidden to pass any private or local bills providing for changing the names of persons, laying out or altering highways, locating or changing county seats, providing for changes of venue in civil or criminal cases, incorporating villages, selecting grand or petit jurors, regulating the rate of interest on money, conducting elections and designating places of voting, increasing or decreasing the allowances of public officers during the terms for which they were elected or appointed, granting the right to lay down railroad tracks, granting to any private corporation, association or individual any exclusive privilege, immunity or franchise whatever, or providing for building bridges except in certain specified instances; and these amendments empowered the Legislature to pass general laws providing for such cases, and "for all other cases which in its judgment may be provided for by general laws;" and also directed the Legislature "by general laws" to "confer upon the boards of supervisors of the several counties of the State such further powers of local legislation and administration as the Legislature may from time to time deem expedient."

These wise and important provisions have proved of especial

benefit to the people in preventing much legislative interference in their local affairs and in enabling them to enjoy a large measure of the blessings of home rule, but the inestimable advantages in those directions might have been greatly enhanced had the Legislature, on the one hand, fully availed itself of its authority to confer upon local authorities additional powers of local legislation as contemplated by the Constitution, and, on the other hand, had refrained from evading its provisions by passing laws which, while general in their form, were really "local or private" in all their essential features, but which the courts have been reluctant to declare unconstitutional.

"The Tendency of the Courts to Sustain Special Legislation" is the subject of a paper read by the Hon. John Woodward, of Jamestown, N. Y., a Justice of the Supreme Court of the Eighth Judicial District, before the Social Science Association at Saratoga Springs on September 7, 1899, which has been published in pamphlet form and which I have perused with no little interest. It is an able presentation of the question, and does infinite credit to this accomplished jurist. In well-chosen words he deprecates the previous tendency of some of our courts to sustain special legislation, and urges a rigid adherence to the old-fashioned doctrine of a strict construction of Constitutional prohibitions against the exercise of legislative power.

In view of a recent decision of our highest court he declares that "the re-action has set in; the courts have called a halt upon this class of legislation, just as they did in the legislation which sought to violate the policy of home rule in the selection of local officials." He now believes that "the tendency of the courts, both in the States and in the nation, seems to be in the direction of a larger protection of individual and community rights against the encroachment of legislation."

Judge Woodward's paper can be read with profit by every judge, lawyer and student in the country.

The passage in 1898 by the New York Legislature of a general law (which went into practical effect on January 1, 1900), providing for a uniform charter for all cities of the second class, as defined in the revised Constitution of 1894, was a step in the right direction for which the Legislature deserves commendation. The danger is that the Legislature may be persuaded to frequently amend the act, not in its general features, but in providing ex-

ceptional provisions to meet the supposed requirements of some particular city; and in that event the charter soon ceases to be uniform, losing its general character, and special charters might as well be substituted at once.

But the movement to secure a uniform charter for cities of the third class seems to have been abandoned. This is unfortunate because, as the number of such cities largely exceeds that of the second class, the necessity of uniformity is greater, and the benefits would be augmented proportionately. The propriety of a uniform charter for all the villages of the State, whether incorporated before or since 1874, deserves careful consideration, because, while the Constitutional amendments of 1874 prohibited the incorporation of villages thereafter, except under general laws, which have since been passed, yet there were hundreds of villages in existence in 1874 already incorporated under special acts, whose charters are still amendable at the pleasure of the Legislature, and which are being constantly tampered with. It may be stated in this connection that last year alone there were passed forty-two special acts relating to villages, and even that record was an improvement on recent Legislatures; and at the same time thirty-one bills were passed for Buffalo, twenty-four for Rochester, ten for Syracuse, nine for Yonkers, and a considerable number for other cities; while thirty-one special bills relating to towns, besides twelve for Westchester County, nine for Suffolk County, fifty-nine bills relating to miscellaneous corporations, twenty-two claim bills, fourteen escheat or release bills, fifteen amendments to the Penal Code, and fifty-eight amendments to the fish and game laws (the latter probably for the benefit of our amateur sportsmen from our large cities)—all found a place in our over-burdened session laws. In addition thereto, forty-eight amendments were added to the Code of Civil Procedure, showing what a defective (!) system of practice the State of New York had previously endured. An incident relating to the procurement of code amendments generally may not be amiss right here. It is well known that these amendments are largely secured by attorneys to affect particular pending law suits, but are usually pressed ostensibly in the public interest. Recently the chairman of a sub-committee on codes, who comprehended the situation and appreciated the humorous, presiding at a meeting of his committee, before which there had appeared numerous lawyers pressing their various code amendments, in-

terraptured one of them who was about to proceed to advocate his proposed amendment in the "public interest," with the naïve suggestion, "Please give us the title of the cause before you proceed," which produced such a chorus of laughter from those assembled, and so disconcerted the astonished advocate, that for some minutes he was unable to proceed at all.

The effort in behalf of a uniform charter for cities of the third class deserves to be renewed, and notwithstanding the antagonism which it is likely to encounter from local and selfish interests, it should eventually be successful. No good reason can be urged why a citizen moving from one city into another city, or from one village into another village, in the same State, should find himself confronted with a different system of local government, different offices, different methods of taxation, different elections and other troublesome and vexatious differences in procedure.

Besides, uniform charters lessen the temptations for unfair partisan legislation. A temporary political victory or defeat in a city by a party politically opposed to the party in control of the Legislature, cannot well be made the occasion by the Legislature, as has been too frequently the practice in the past, for wholesale charter changes designed to secure temporary political advantage in that particular city, for the party which is in affiliation with the legislative majority, at the expense of the other party.

Fair, uniform and permanent legislation constitutes the true remedy for the evils of excessive partisanship.

Another suggestion is perhaps worthy of notice. The Constitution of a State should not contain too many india-rubber provisions; and while elasticity may be desirable in some of its features, it is more essential that at least the limitations and restrictions upon the arbitrary power of the Legislature should be so definite and certain as to leave nothing to discretion. The provisions of the New York Constitution, relating to certain private or local bills, to which we have heretofore referred, are of the latter character, and are for that reason especially valuable, but those which simply authorize the Legislature to pass general laws in "all other cases which in its judgment may be provided for by general laws," and those which require it to confer upon boards of supervisors such further powers of local legislation and administration "as the Legislature may from time to time deem

expedient," and those which forbid the creation of corporations by special act except "in cases where, in the judgment of the Legislature, the objects of the corporation cannot be attained under general laws"—all these provisions being addressed merely to the discretion of the Legislature, afford no real protection to the people from unwise and ill-considered special legislation in the cases mentioned.

(3.) Bi-ennial sessions of the Legislature should be substituted for annual ones.

This has been accomplished in all but six States of the Union, and the combined testimony in all of the States wherein the improvement has been tried is to the effect that it has proved most salutary, reducing the volume of legislation and improving its character. There may be honest differences of opinion about the necessity of this step, but surely the favorable experience of so many States should count for something in its behalf.

There is much which may be urged in its favor. It lessens the opportunities for mischief. It affords the people time to discover what one Legislature has done, before another one is convened. It reduces the expenses of government. It is in line with the spirit of the age, which dictates less frequent elections, longer terms for local officials, for instance, like supervisors, and in national matters demands the election of United States Senators by the people instead of State Legislatures.

The effort to secure bi-ennial sessions for New York resulted in failure. A constitutional amendment proposing the change was first recommended by Governor Black in both of his annual messages and passed the Republican Legislature of 1898, in the Assembly almost unanimously and in the Senate by nearly a party vote; but in the succeeding fall the Republican State platform omitted to endorse the proposition, while the Democratic State platform distinctly approved it, but in the Legislature of 1899 it was unexpectedly defeated in the Senate by the Democratic minority, aided by a few Republicans—for reasons which have never been satisfactorily explained. There are some indications that the issue thus presented may enter into the campaign of 1900.

The question is sometimes asked whether the suggestion for the reduction of the number of legislative sessions is not a reflection upon the competency of the people to govern themselves. A

fair question deserves a fair answer. The proposition implies no such criticism, any more than the reduction of the hours of labor, the establishment of the Saturday half-holiday, the early closing of places of business, the omission of schools on Saturday, or the summer vacations of the people which are becoming more general each and every year, imply a lack of public confidence in those who are allowed such a reasonable suspension from their ordinary avocations. It is a sufficient argument for bi-ennial sessions that there is no real necessity for annual sessions; and this argument censures no one nor anything. The necessary appropriations for the support of the State Governments can as well be made bi-ennially as annually.

The demand for less frequent legislative sessions is no more a reflection upon the competency of the people to govern themselves, than are the restrictions upon legislative power found in the Federal and State Constitutions. As well might it be suggested that the Ten Commandments are a reflection upon humanity, or that all criminal laws imply a lack of confidence in the people. The whole theory upon which government is founded is that the human race requires some such restraining instrumentality.

A clever writer (Mr. H. Gerald Chapin) in an article published in the "University Law Review" in 1897, describes some remarkable specimens of legislation which had recently been enacted or proposed in the various American Legislatures in the attempt to make mankind "good" by statute. He says:

"They would warrant the belief that our legislators are soon to be regarded as the 'fathers of the people.' Dress, ethics, the mere convenience of the citizen, nothing is too high or low for legislative inspection and regulation. The various and usually fruitless attempts to pry into strictly private and personal matters, by means of legislative investigating committees, so-called, are of this class. . . . Some recent legislative problems are especially to be noted. The Michigan Legislature has under consideration the prohibition of printing hotel menus in a language other than English: Indiana, the establishment of 'a new mathematical truth,' viz, the squaring of the circle; Nebraska the penalizing of football as a misdemeanor; Missouri, an act to prohibit railroad companies from using wooden rails and tying them with string, and flirtations with or by railroad employes; Kansas, an act to prevent the wearing of corsets or bloomers; Pennsylvania, so we hear, an act to require every man to pay for his own drinks; Minnesota, a bill to require a red light to be displayed on the outside of every drinking saloon, with the word 'Danger' thereon; and the Senate of another State not long ago wrestled with the problem

whether a druggist selling patent medicines should not keep affixed in a conspicuous place in his store an affidavit stating that he had himself tried one bottle of the mixture in question and experienced no deleterious effects therefrom. At the present moment another learned assembly is gravely debating the question of the statutory enactment of the Ten Commandments, an amendment having been proposed to the tenth prohibiting the coveting of a neighbor's bicycle; and the high theatre hat has been the subject of much anxious legislative thought in half a dozen States.

"The truth seems to be that our unhappy country at the present moment is surfeited with legislation. Believing, in our gloriously democratic way, that every man should be given the chance to enact laws, provided his pull with the political leader of his district happens to be strong enough, we send every year into our Legislatures men of transcendent (!) ability, . . . but of somewhat limited parts as regards the duties of their new office. As a matter of fact, statutes have already been passed to regulate human conduct in all the more important points, and a new fledged lawmaker goes to his particular Senate or Assembly with a vague notion that he must make laws of some kind, that being what he is elected for. He finds scarcely anything of real importance that demands attention, and consequently resorts to paternalistic methods. Legislate he must, and legislate he undoubtedly does. A most naïve statement is reported to have been made by a some-time member of a certain Western Legislature when asked what object he had in view in introducing a bill prohibiting the use of stuffed animals for advertising purposes, and who said that he had thought for two full months of some law that he could introduce, but found that most of his ideas had been pre-empted, until he passed a furrier's window, wherein was a stuffed and mounted lamb. This American Lycurgus thereupon, inspired with a noble zeal for the public welfare and conscious of the demoralizing effect that the sight of stuffed lambs would have upon the mind of the common citizen, peacefully pursuing his tranquil way along the street, all unconscious that a sight of such horror and awfulness was soon to burst upon his affrighted gaze, nobly 'seed his duty and he done it.'

"There is one new act, however, to which our unqualified support would be given—a bill which would materially reduce in number the sessions of State Legislatures."

(4.) Wherever the evils of over-legislation exist, constitutional amendments should be secured further restricting the power of legislation.

This may not be an easy task in some States, but nothing is impossible in a free Government like ours. Agitation is the strongest weapon of a freeman, and it is an accepted truism that a cause which is right is sure to ultimately prevail.

The expenses of government are everywhere increasing, both in State and Nation; and while legislative bodies are busy devising new schemes of taxation upon the people, there are none of them proposing anything for the relief of the taxpayers. The more the

revenues of the State are increased, the higher the taxes seem to become. New officials are constantly being created, salaries are being raised, State commissions are being multiplied, and old laws which have stood the test of time and experience are being swept aside in a mad rush for new and experimental legislation.

Constitutional restrictions on the legislative power would seem to be most timely.

The people do not require more legislation—they demand less.

They firmly believe in the old cardinal doctrine that “that government is best which governs the least.”

Instead of extending the powers of government, individualism should be exalted, and the arbitrary powers of government curtailed: all of which can safely be done as a higher civilization advances. Strong governments are not needed in this age of reason as much as liberal governments, whose strength is founded on the affections and intelligence of the people.

I realize that this sentiment in favor of individualism somewhat runs counter to a concerted effort which has recently manifested itself in behalf of governments—National, State and municipal—assuming the direction and management of every enterprise and undertaking of a *quasi* public character. Within appropriate limitations the proposition is not without some merit, but it should not be extended unreasonably, or else the principles of socialism might as well be adopted at once. The desirability of the control and regulation of such enterprises, especially those which are corporate in their character, is one thing, while the necessity of the ownership or actual management thereof, as a part of the functions and machinery of government, is quite another and a different thing. The one is safe and desirable; the other is largely experimental and may not be without some elements of danger.

Control, for the public welfare, under prudent laws, is always expedient: paternalism is always objectionable.

The present American people have never suffered from the despotism, the exactions, the corruptions, the arrogance, “the long train of abuses and usurpations” on the part of their Government and its officials as did their forefathers of Revolutionary memory, and hence they do not readily appreciate the hardships and dangers of immense standing armies, of unjust taxes, of arbitrary laws, of “a multitude of new offices” and “swarms of

officers to harass our people and eat out their substance;" and they are therefore slow to realize that any perilous complications and difficulties can possibly arise from an increase of legislative powers and an extension of the functions and operations of government.

It is believed that, guided by "the lamp of experience" derived from the lessons of history, the great conservative masses, the thinking people of the country, the men who honestly work with muscle and brain—not merely "The Man with the Hoe," but the independent, resolute and intelligent men in the field, the shop, the office, the pulpit, the press, and all the avenues of trade and commerce, and thought—those people who lend dignity to labor and add character to the free institutions of our country, who know their weakness and realize their strength, are not clamoring for greater power for the Government, but prefer more individual freedom for themselves; they are not turning to the State for aid in all their private enterprises, but, on the contrary, wish to be let alone; and finally they are not asking for more laws, but for less, having already reached the reasonable conclusion that "We Are Too Much Governed."

DAVID B. HILL.